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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,493	11/20/2001	Randall Manton Lichner		7329

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EXAMINER

SALAD, ABDULLAHI ELMI

ART UNIT PAPER NUMBER

2157

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/003,493

Applicant(s)

LICHNER, RANDALL MANTON

Examiner

Salad E Abdullahi

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been reviewed. Original claims 1-6 are pending. The rejection cited stated below.

Specification

2. The disclosure is objected to because of the following informalities: Applicant is advised to provide the application serial numbers and/or patents related to this instant application at the first line of the specification just below title.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 2 recites the limitation "said seller" in line 6. There is insufficient antecedent basis for this limitation in the claim.
4. Claims 2, 3, 5 recite the system and method of claim 1. It is not clear whether the claim is system claim or a method claim.
5. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of Agraharam et al., U.S. Patent No. 5,956,482[hereinafter Agraharam].

As per claims 1 and 6, Mills discloses a distributed multimedia client-server system, comprising:

A session manager (see fig. 1, level 2 gateway 118) in response to receiving a request from a remote client connected to a high bandwidth network, generating a resource allocation request and dynamically creating a multimedia stream port upon client authentication (see fig. 1, col. 3, lines 39-56 and col. 6, line 57 to col. 7, line 24).

Mills is silent regarding: authenticating the client.

Agraharam discloses multimedia delivery system including security mechanism for authenticating the client (see col. 5, lines 42-45). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teaching of Agraharam such as the security mechanism for authenticating the client into the system of Mills in order to prevent unauthorized access of the multimedia content.

As per claim 4, Agraharam discloses a client-server media multimedia distribution system according to claim 1 further comprising a method for dynamically wrapping media files to require client authorization and authentication prior to distribution of the multimedia over the high bandwidth network (see col. 5, lines 42-45).

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As per claim 5, Mills discloses the system and method of claim 1 further comprising: multimedia content; means, responsive to commands received by the session manager, for accessing and transporting the multimedia content to the client via the multimedia stream port (col. 3, lines 39-56 and col. 6, line 57 to col. 7, line 24); and wherein the multimedia includes stream content, file content and database content (see col. 3, lines 39-56 and col. 6, line 57 to col. 7, line 24).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills and Agraharam as applied to claim 1 above, and further in view of Walker et al., U.S. Patent No. 5,970,470[hereinafter Walker].

As per claim 2 and 3, Miller and Agraharam disclose substantial features of the claimed as discussed above with respect to claim 1, including data storage system (i.e., content database , billing database and account database).

Miller and Agraharam are silent regarding: the details of the storage system such as storing data about the administration settings, the multimedia, the client and their preferred method of payment, the price of the multimedia, and a data processing

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system coupled to said data storage system and configured to receive from the client a request to purchase or rent said multimedia from the administrator, to process said request by determining the transaction price for said multimedia based on the price specified by said seller and to output said transaction price forming the basis of a transaction involving said administrator and client.

Walker discloses a system for distributing products in accordance with a subscription purchase agreement that includes the establishment by a customer of an account with a seller of a product, the assignment of a customer identification number to the account maintained by a customer, including storing data about the administration settings, the multimedia, the client and their preferred method of payment, the price of the multimedia, and a data processing system coupled to said data storage system and configured to receive from the client a request to purchase or rent said multimedia from the administrator, to process said request by determining the transaction price for said multimedia based on the price specified by said seller and to output said transaction price forming the basis of a transaction involving said administrator and client (see the abstract and col. 10, lines 33-45 and col. 13, lines 1-5 and col. 14, lines 1-2). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to incorporate the teaching of Walker into the system of Miller and Agraharam to provide improved mechanism that facilitates clients to buy product sellers while safeguarding the interest of either party.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Abdullahi Salad
Examiner AU 2157
1/7/2005